

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of M.J., C.T., and D.R., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PATRICE ROOD,

Respondent-Appellant,

and

DAVID ROSTINE,

Respondent.

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UNPUBLISHED  
February 14, 2003

No. 240628  
St. Clair Circuit Court  
Family Division  
LC No. 00-000229-NA

Before: O'Connell, P.J., and Fitzgerald and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the circuit court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii) (parent had opportunity to prevent physical or sexual injury or abuse and failed to do so), (g) (failure to provide proper care or custody with no reasonable expectation of change within a reasonable time), and (j) (reasonable likelihood of harm if returned to parent's home). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The circuit court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(F)(3), (I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed that respondent-appellant failed to properly supervise her children. In addition, the evidence showed that respondent-appellant failed to protect her children from sexual abuse by allowing the perpetrator to return to the home after her oldest daughter told her that the perpetrator sexually abused her.

Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra*. Thus, the circuit court did not clearly err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Peter D. O'Connell  
/s/ E. Thomas Fitzgerald  
/s/ Christopher M. Murray